

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LLEWELLYN GEORGE,

Plaintiff,

v.

GLENN S. GOORD,

Defendants

ORDER
05-CV-788A

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On March 31, 2009, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that plaintiff's motion for summary judgment be denied in its entirety and that defendants' cross-motion for summary judgement be denied with respect to plaintiff's first claim (restricted diet) for a violation of his rights under the First Amendment against defendant Don Lopes and granted in all other respects.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, plaintiff's motion for summary judgment is denied in its entirety and defendants' cross-motion for summary judgement is denied with respect to plaintiff's first claim (restricted diet) for a violation of his rights under the First Amendment against defendant Don Lopes and

granted in all other respects. The case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: May 21, 2009